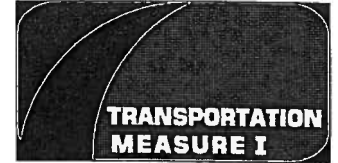




San Bernardino Associated Governments
1170 W. 3rd Street, 2nd Floor, San Bernardino, CA 92410
Phone: (909) 884-8276 Fax: (909) 885-4407
Web: www.sanbag.ca.gov



•San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
•San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies

AGENDA

Administrative Committee Meeting

July 14, 2010

9:00 a.m.

Location

SANBAG

Super Chief Conference Room

1170 W. 3rd Street, 2nd Floor

San Bernardino, CA

Administrative Committee Membership

Chair – SANBAG Vice President

Council Member Bea Cortes
City of Grand Terrace

SANBAG President

Supervisor Brad Mitzelfelt
County of San Bernardino

SANBAG Past President

Mayor Paul Eaton
City of Montclair

Mt./Desert Representatives

Mayor Rick Roelle
Town of Apple Valley

Council Member Mike Leonard
City of Hesperia

Supervisor Neil Derry
County of San Bernardino

East Valley Representatives

Mayor Patricia Gilbreath
City of Redlands

Mayor Patrick Morris
City of San Bernardino

Supervisor Josie Gonzales
County of San Bernardino

West Valley Representatives

Mayor John Pomierski
City of Upland

Mayor Dennis Yates
City of Chino

Supervisor Paul Biane
County of San Bernardino

San Bernardino Associated Governments (SANBAG) is a council of governments formed in 1973 by joint powers agreement of the cities and the County of San Bernardino. SANBAG is governed by a Board of Directors consisting of a mayor or designated council member from each of the twenty-four cities in San Bernardino County and the five members of the San Bernardino County Board of Supervisors.

In addition to SANBAG, the composition of the SANBAG Board of Directors also serves as the governing board for several separate legal entities listed below:

The San Bernardino County Transportation Commission, which is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital development projects for public transit and highway projects, and determination of staging and scheduling of construction relative to all transportation improvement projects in the Transportation Improvement Program.

The San Bernardino County Transportation Authority, which is responsible for administration of the voter-approved half-cent transportation transactions and use tax levied in the County of San Bernardino.

The Service Authority for Freeway Emergencies, which is responsible for the administration and operation of a motorist aid system of call boxes on State freeways and highways within San Bernardino County.

The Congestion Management Agency, which analyzes the performance level of the regional transportation system in a manner which ensures consideration of the impacts from new development and promotes air quality through implementation of strategies in the adopted air quality plans.

As a Subregional Planning Agency, SANBAG represents the San Bernardino County subregion and assists the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.

Items which appear on the monthly Board of Directors agenda are subjects of one or more of the listed legal authorities. For ease of understanding and timeliness, the agenda items for all of these entities are consolidated on one agenda. Documents contained in the agenda package are clearly marked with the appropriate legal entity.

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
Service Authority for Freeway Emergencies
County Congestion Management Agency**

AGENDA

Administrative Committee Meeting

**July 14, 2010
9:00 a.m.**

Location: SANBAG, Super Chief Conference Room, 1170 W. 3rd Street, 2nd Floor,
San Bernardino

CALL TO ORDER 9:00 a.m.
(Meeting Chaired by Bea Cortes)

- I. Attendance
- II. Announcements
- III. Agenda Notices/Modifications – Anna Aldana

1. Possible Conflict of Interest Issues for the Administrative Committee Meeting July 14, 2010. Pg. 5

Note agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

Consent Calendar

Consent Calendar items shall be adopted by a single vote unless removed by member request.

Administrative Matters

2. Attendance Register Pg. 6

A quorum shall consist of a majority of the membership of each SANBAG Policy Committee, except that all County Representatives shall be counted as one for the purpose of establishing a quorum.

3. June 2010 Procurement Report Pg. 8

Receive Monthly Procurement Report. William Stawarski

Notes/Actions

Discussion Items

Administrative

4. **Appropriations Limitation for Fiscal Year 2010/2011** Pg. 10
Adopt Resolution 11-003 to establish an appropriations limit at \$872,799,682. **William Stawarski**
5. **Invitation for Bid to Repair and Fog-Coat the Exterior of the San Bernardino Santa Fe Depot** Pg. 13
Authorize the release of Invitation for Bid C11014 – Repair and Stucco Fog-Coating to the Exterior of the San Bernardino Santa Fe Depot. **Duane Baker**
6. **SANBAG Disadvantaged Business Enterprises (DBE) Program and Goal Setting** Pg. 19
Approve the Overall Annual DBE Goals for Federal Fiscal Year 2010/2011 – Exhibit 9-B (Attachment 1). **Duane Baker**

Program Support/Council of Governments

7. **State and Federal Legislative Update and Bills of Interest** Pg. 45
 1. Receive and file State and Federal Update;
 2. Adopt positions on bills of interest:
 - a. Monitor SB 474 (Ducheny)
 - b. Monitor AB 2620 (Eng)
 - c. Oppose AB 1955 (De La Torre)
 - d. Support S. 322 (Schumer) / H.R. 891 (McGovern)
 - e. Support prospective Metrolink-sponsored legislation for PTC funding. **Aaron Hake**

Comments from Committee Members

Public Comment

ADJOURNMENT

Additional Information

Acronym List

Pg. 51

Complete packages of the SANBAG agenda are available for public review at the SANBAG offices. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. "Public Testimony on any Item" still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on "Request to Speak" forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may "Call for the Question."
- Upon a "Call for the Question," the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair's discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair's direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

Adopted By SANBAG Board of Directors January 2008

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 1

Date: July 14, 2010

Subject: Information Relative to Possible Conflict of Interest

Recommendation*: Note agenda items and contractors/subcontractors which may require member abstentions due to possible conflicts of interest.

Background: In accordance with California Government Code 84308, members of the Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual. This agenda contains recommendations for action relative to the following contractors:

Item No.	Contract No.	Contractor/Agents	Subcontractors
		NONE	

Financial Impact: This item has no direct impact on the budget.

Reviewed By: This item is prepared monthly for review by the Board of Directors and Policy Committee members.

*

*Approved
Administrative Committee*

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

ADMINISTRATIVE COMMITTEE ATTENDANCE RECORD – 2010

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Paul Biane Board of Supervisors	X			X	X							
Patrick Morris City of San Bernardino	X	X		X	X	X						
Mike Leonard City of Hesperia	X	X	X	X	X	X						
Patricia Gilbreath City of Redlands	X	X	X	X	X	X						
Paul Eaton City of Montclair	X	X	X		X	X						
Josie Gonzales Board of Supervisors	X	X		X	X	X						
Brad Mitzelfelt Board of Supervisors	X	X		X	X	X						
Gary Ovitt Board of Supervisors	X	X			X	X						
Dennis Yates City of Chino	X	X	X	X	X	X						
John Pomierski City of Upland	X	X	X	X	X	X						
Rick Roelle Town of Apple Valley	X	X	X	X		X						
Neil Derry Board of Supervisors	X			X	X	X						

X = Member attended meeting.

Empty box = Member did not attend meeting

Crossed out box = Not a member at the time.

ADMINISTRATIVE COMMITTEE ATTENDANCE RECORD -- 2009

Name	Jan	Feb	March	April	May	June	July	Aug	*Sept	Oct	Nov	*Dec
Paul Biane Board of Supervisors	X	X		X	X	X		X		X		
Patrick Morris City of San Bernardino	X	X	X	X	X	X	X	X		X	X	
Mike Leonard City of Hesperia	X	X		X	X	X	X	X		X	X	
Bea Cortes City of Grand Terrace	X											
Patricia Gilbreath City of Redlands		X	X	X	X	X	X	X		X	X	
Paul Eaton City of Montclair	X	X	X	X	X	X	X	X		X	X	
Josie Gonzales Board of Supervisors										X	X	
Brad Mitzelfelt Board of Supervisors	X		X			X	X	X		X	X	
Gary Ovitt Board of Supervisors		X	X	X	X	X		X		X		
Dennis Yates City of Chino	X	X	X	X	X	X	X	X		X	X	
Gwenn Norton-Perry City of Chino Hills	X	X		X	X	X	X			X		
Rick Roelle Town of Apple Valley		X		X		X		X				
Neil Derry Board of Supervisors							X	X		X	X	

X = Member attended meeting.
Empty box = Member did not attend meeting
Crossed out box = Not a member at the time.

*The Administrative Committee did not meet in September and December

admatt09.docx

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 3

Date: July 14, 2010

Subject: June 2010 Procurement Report

Recommendation:* Receive Monthly Procurement Report

Background: The Board of Directors approved the Contracting and Procurement Policy (Policy No. 11000) on January 3, 1997. The Executive Director, or designee, is authorized to approve Purchase Orders up to an amount of \$50,000. All procurements for supplies and services approved by the Executive Director, or designee, in excess of \$5,000 shall be routinely reported to the Administrative Committee and to the Board of Directors.

Attached are the purchase orders in excess of \$5,000 to be reported to the Administrative Committee for the month of June 2010.

Financial Impact: This item imposes no impact on the FY 2009/2010 or the FY 2010/2011 Budget. Presentation of the monthly procurement report will demonstrate compliance with the Contracting and Procurement Policy (Policy No. 11000).

Reviewed By: This item is scheduled for review by the Administrative Committee on July 14, 2010.

Responsible Staff: William Stawarski, Chief Financial Officer

Approved
Administrative Committee

Date: _____

Moved: _____ Second: _____

In Favor: _____ Opposed: _____ Abstained: _____

Witnessed: _____

X	COG	X	CTC	X	CTA	X	SAFE	X	CMA
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Check all that apply
ADM1007a-cac
ISF10

June 2010 Report of Purchase Orders

PO No.	PO Issue Date	Vendor	Purpose	Amount \$
RCMS #				
EDEN #				
P10258	05/13/10	Kathleen Murphy-Perez	Contract Management Professional Services. Sole Source Justification – unique qualifications and demonstrated experience.	\$25,000.00
40000358				
P10259	05/18/10	Padilla & Associates, Inc.	SANBAG AADPL Goal 2010/11 Sole Source – Time constraints. Exhibits 9A and 9B needed to be delivered to Caltrans by 06/01/10.	\$8,470.00
40000359				
P10266	06/09/10	TH Enterprises, Inc.	Purchase network workstations.	\$6,170.00
40000362				
*Note: Sole Source justification is noted in the Purpose statement, if applicable.				Total \$
				\$39,640.00

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
 ■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 4

Date: July 14, 2010

Subject: Appropriations Limitation for Fiscal Year 2010/2011

Recommendation: Adopt Resolution 11-003 to establish an appropriations limit at \$872,799,682.

Background: Article XIIB of the California Constitution specifies that the appropriations limit of state and local governments may increase annually by a factor comprised of the change in population combined with the change in California per capita personal income.

In accordance with the above mentioned requirements, Resolution 11-003 has been prepared and is attached for review and adoption. The Ordinance 89-1 (Measure I) established the original SANBAG appropriations limit of \$250,000,000. The California Department of Finance provides the percentage change over prior year for the per capita personal income and the annual percentage change in population. This factor, multiplied by the approved prior year appropriations limit, establishes the fiscal year 2010/2011 appropriations limit at \$872,799,682. The annual establishment of an appropriations limitation excludes federal grant funds.

The previous limit, as approved by the Board of Directors was \$888,002,281. Resolution 11-003 adjusts the limit to \$872,799,682. The decrease from the prior year is due to a 2.54% decrease in per capita personal income over the prior year.

*Approved
Administrative Committee*

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

X	COG	X	CTC	X	CTA	X	SAFE	X	CMA
---	-----	---	-----	---	-----	---	------	---	-----

Check all that apply

ADM1007b-cac

Attachment:

RES11-003

Financial Impact: This item poses no financial impact. The 2010/2011 adopted budget, with associated amendments, is well below the proposed appropriations limit.

Reviewed By: This item is scheduled for review by the Administrative Committee on July 14, 2010

Responsible Staff: William Stawarski, Chief Financial Officer

RESOLUTION NO. 11-003

**RESOLUTION
ESTABLISHING APPROPRIATIONS LIMIT FOR
FISCAL YEAR 2010/2011**

WHEREAS, Article XIII B of the California Constitution and Sections 7900 through 7913 of the California Government Code require the establishment of an appropriations limit; and

WHEREAS, appropriations limits are applicable to funds received from the proceeds of taxes and interest earned on such proceeds.

NOW, THEREFORE, BE IT RESOLVED, that the San Bernardino County Transportation Authority hereby determines that pursuant to Section 7902(b) of the California Government Code, the appropriations limit for San Bernardino County Transportation Authority for Fiscal Year 2010/2011 is determined to be \$872,799,682.

Approved by the Board of Directors of the San Bernardino County Transportation Commission at a regular meeting thereof held this 4th day of August 2010.

*

*Approved
Board of Directors*

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
 ■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 5

Date: July 14, 2010

Subject: Invitation for Bid to Repair and Fog-Coat the Exterior of the San Bernardino Santa Fe Depot

Recommendation:* Authorize the release of Invitation for Bid C11014 – Repair and Stucco Fog-Coating to the Exterior of the San Bernardino Santa Fe Depot.

Background: In January 2008 the Board approved an agreement with Omnitrans, the designated grantee for Federal Transit Administration funds appropriated to the San Bernardino Valley, establishing SANBAG as a subgrantee for Section 5309 Bus and Bus Facilities funds authorized by SAFETEA-LU for improvements at the San Bernardino Santa Fe Depot. The agreement also establishes SANBAG as the lead agency for projects receiving these grant funds.

In February 2009 the Board approved the release of Invitation for Bid (IFB) C08149 to Repair and Paint the Exterior of the Depot, however, the IFB process was halted at the request of the State Office of Historic Preservation (SHPO) over concerns that painting would create new problems and alter the historic character of the Depot. Additional tests and measures were requested to ensure the repair work proposed was in compliance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

Approved
Administrative Committee

Date: _____

Moved: _____ Second: _____

In Favor: _____ Opposed: _____ Abstained: _____

Witnessed: _____

<input checked="" type="checkbox"/>	COG	<input checked="" type="checkbox"/>	CTC		CTA		SAFE		CMA
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Check all that apply

ADM1007a-dab

Attachment:

ADM1007a1-dab

In January 2010, SANBAG furnished the requested documentation to SHPO and requested permission to proceed with the project. The results of the testing and research showed that the scope of work proposed is within the guidelines set forth by the Standards. Approval to proceed with the project was received from SHPO in March 2010.

A total of \$417,039 of section 5309 funds have been appropriated for the Depot projects. These federal funds will be matched with \$104,260 in Rail Asset Funds for a total grant amount of \$521,299. The grant schedule for this project calls for the release of an Invitation for Bid in August and contract award by November.

The first project for which these grant funds will be used is to repair and stucco fog-coat the exterior of the Depot. The building continues to experience water penetration due to cracks, especially during heavy rains. The attached Scope of Work and Specifications identifies the work to be performed. The IFB itself will include General Terms and Conditions as well as Specific Terms and Conditions in order to address Federal and State procurement requirements.

Financial Impact: The work related to the preparation of the IFB is consistent with the adopted budget under Task ISF11 – Indirect General.

Reviewed By: This item is scheduled for review and approval by the Administrative Policy Committee on July 14, 2010. SANBAG Counsel has reviewed and approved the draft IFB as to form.

Responsible Staff: Duane A. Baker, Director of Management Services



SECTION 3.0

SCOPE OF WORK & SPECIFICATIONS

IFP-C11014

REPAIR AND STUCCO FOG- COATING TO THE EXTERIOR OF THE SAN BERNARDINO SANTA FE DEPOT

SECTION 3.0 SCOPE OF WORK AND SPECIFICATIONS

IFP-C11014

Repair and Stucco Fog-Coating to the Exterior of the San Bernardino Santa Fe Depot

1. INTRODUCTION

- A. The Mission Revival-style Santa Fe Depot in San Bernardino, California was constructed in 1918 to serve as the Los Angeles Division headquarters for the Santa Fe Railroad. The building is characterized by its four tall domed faux bell towers and its Mission Revival style parapets. The exterior surface of the Depot is stucco with a rough texture created by the large aggregate. When the stucco was originally placed on the Depot, the aggregate was encapsulated in the cement-based solution before it was applied to the walls. Therefore, while the texture created by the aggregate was visible on the exterior of the building, the color of aggregate was largely not. Originally, the stucco solution was primarily visible. However, the 92-year old building has weathered, and in many areas the outer cement-plaster solution has worn and the aggregate is now exposed.

2. GENERAL REQUIREMENTS

- A. All work shall be conducted at the San Bernardino Santa Fe Depot located at 1170 West Third Street, San Bernardino, CA 92410, except for testing of the portland cement plaster mix, which shall be determined by performing laboratory analysis of the existing plaster, and reviewed by SANBAG. Work under this contract includes, but is not limited to, furnishing all labor, tools, supplies, materials and equipment for the repair and fog-coating of the exterior of the depot. Contractor requirements are as follows:
- 1) Contractor to retain a certified arborist to determine best method to cut back ficus vine to insure re-growth at the completion of project.
 - 2) Contractor, based on best method determined by arborist, will cut back ficus vine in preparation of building cleaning, inspection, repair and fog-coating.
 - 3) Contractor to clean entire exterior surface in conformance with the Secretary of the Interior's Standards using a low-pressure water wash, supplemented by scrubbing with soft natural bristle brushes.
 - 4) Contractor to inspect exterior of building to identify surface cracking, areas of exposed aggregate in the stucco, areas of poor patching, and deteriorating trim in need of repair. SANBAG will approve areas that need repair and/or fog-coating.
 - 5) Contractor to work with an architectural Conservator that meets the Secretary of the Interior's Standards professional qualifications and designate an appropriate test area to test the stucco color and mixture ratio for the patching and fog-coating to match the existing stucco in color and consistency. Samples shall be sent to a lab to determine the appropriate

SECTION 3.0 SCOPE OF WORK AND SPECIFICATIONS

IFP-C11014

Repair and Stucco Fog-Coating to the Exterior of the San Bernardino Santa Fe Depot

mixture for the stucco. Before commencement of repair and fog-coating, the selected mixture shall be approved by SANBAG.

- 6) Contractor to repair any damage and/cracks found during inspection in such a manner as to replicate the existing façade of the depot, and using the stucco mixture determined during testing.
- 7) Contractor to prepare surface and apply stucco mixture, determined during testing, by fog-coating those areas of the exterior that were poorly patched or have exposed aggregate in the existing exterior stucco.
- 8) Contractor to prepare surface and apply paint to the exterior trim of the building using the guidelines recommended by product manufacturer in a color identical to the existing trim color.
- 9) Contractor to prepare surface and apply stain and/or varnish to the exterior trim of the building using the guidelines recommended by product manufacturer in a color identical to the existing trim stain.
- 10) Contractor to prepare surface and apply paint, color to be approved by SANBAG, to all exterior metal treatments, i.e. stairs, gates, hand and guard rails.
- 11) Contractor to field verify all areas for appropriate square footages, linear feet, and types of finishes.
- 12) Pedestrians shall be safely directed around the construction area via existing facilities or access facilities shall be provided through project area. Protective overhead covering shall be provided as necessary to insure protection from falling objects and drip from overhead structures.
- 13) Personal vehicles of the Contractor's employees shall not be parked on the traveled way including any section closed to public traffic. The contractor shall not block the entrance and exit of the parking area, and the building main entrance.
- 14) The Contractor shall protect concrete pavement against construction and other activities that abrade, scar, discolor, reduce texture depth, lower coefficient of friction, or otherwise damage the surface.
- 15) The contractor shall arrange for the disposal of all materials generated in the performance of this contract. No trash or waste of any kind that is generated by the contractor shall be disposed of in any receptacle that is in place for the use of our employees. Any trash or waste that must be disposed of by SANBAG, due to the contractor's failure to provide for proper disposal, will result in a liquidated damage to the contractor equal

SECTION 3.0 SCOPE OF WORK AND SPECIFICATIONS

IFP-C11014

Repair and Stucco Fog-Coating to the Exterior of the San Bernardino Santa Fe Depot

to the cost of disposal plus the labor costs associated with making those arrangements.

- 16) All work is to comply with all applicable state and city code requirements.
- 17) The contractor shall ensure that all of his work strictly adheres to all Federal, State, and Local safety and environmental laws and regulations. SANBAG, in accordance with the dual employer law, reserves the right to correct unsafe practices by the contractor's employees, or stop work until the contractor makes the appropriate corrections.

End of Section 3.0

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
 ■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 6

Date: July 14, 2010

Subject: SANBAG Disadvantaged Business Enterprises (DBE) Program and Goal Setting

Recommendation:* Approve the Overall Annual DBE Goals for Federal Fiscal Year 2010/2011 – Exhibit 9-B (Attachment 1)

Background: Pursuant to the Code of Federal Regulations (CFR), 49, Part 26, Section 26.45, *Participation by Disadvantaged Business Enterprises in Department of Transportation Programs*, Caltrans requires the annual submission of Exhibit 9-B which establishes the local agency overall Disadvantaged Business Enterprise goal for federally assisted highway projects. The overall goal is a combination of the race-conscious and race-neutral measures.

No request for authorization (RFA) will be processed after October 1, 2010 without an approved Exhibit 9-B on file with the Caltrans District Local Assistance Engineer.

In addition, effective May 28, 2010, Local Agencies are no longer required to submit an Annual Anticipated Disadvantaged Business Enterprise Participation Level (AADPL) each year. However, race-neutral measures and contract goals, narrowly tailored to our market area, are still required. Local Agencies may still use the methodology described in 49 CFR Part 26, Section 26.45, to calculate specific contract goals. This is the method that SANBAG will continue to follow until Caltrans' issues another format for reporting.

*

Approved
Administrative Committee

Date: _____

Moved: _____ Second: _____

In Favor: _____ Opposed: _____ Abstained: _____

Witnessed: _____

X	COG		CTC		CTA		SAFE		CMA
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Check all that apply

ADM1007b-dab

Attachments:

ADM1007b1-dab

ADM1007b2-dab

In accordance with these DBE regulations, SANBAG has developed a Final DBE Program and established Overall Annual DBE Goal for Federal Fiscal Year 2010/2011 to ensure full compliance with relevant regulatory requirements. Attached is a copy of SANBAG's Exhibit 9-A, Disadvantaged Business Implementation Agreement for Local Agencies. This document was last revised and submitted to Caltrans in June 2009. (Attachment 2)

The DBE Program and Established Overall Annual DBE Goal of 11.45% for FFY 2010/2011 DOT assisted contracts addresses critical components and fulfills specific requirements for narrow tailoring in accordance with Title 49 CFR Part 26. The two components of the goal are 5.52% race-neutral (DBE) and 5.93% race-conscious (Underutilized Disadvantaged Business Enterprise/UDBE).

SANBAG's Established Overall Annual DBE Goal was developed utilizing the federal prescribed two-step goal setting methodology. This included establishing a Base Figure utilizing quantifiable evidence to determine the relative availability of DBEs within specified industries identified as a part of SANBAG's DOT assisted contracting projects anticipated to be awarded by SANBAG within FFY 2010/2011. SANBAG utilized the Caltrans Directory of Certified DBE firms and the Census Bureau County Business Patterns database to complete this step. Upon establishing the Base Figure, SANBAG surveyed and assessed other known relevant evidence to determine what additional adjustments, if any, were needed to narrowly tailor the Base Figure to SANBAG's market area. Factors considered in the adjustment of the Base Figure included the historical and current capacity of DBEs measured by actual attainments on similar projects.

Following approval of the final DBE Program and Established Overall Annual Goal for FFY 2010/2011, staff will submit Exhibit 9-B to Caltrans for their final review.

Financial Impact: This item has no direct impact on the adopted SANBAG Budget. Staff activities associated with this item are consistent with the adopted SANBAG Budget, Task No. ISF11. Board adoption of the Established Overall Annual DBE Goal for FFY 2010/2011 is required to ensure compliance with Department of Transportation's federal funding requirements, provisions and financial responsibilities. Failure to do so will directly jeopardize SANBAG's federal financial assistance.

Reviewed By: This item is scheduled for approval by the Administrative Committee on July 14, 2010.

Responsible Staff: Duane A. Baker, Director of Management Services

ATTACHMENT A

Exhibit 9-A Disadvantaged Business Enterprise Implementation Agreement for Local Agencies

**CALIFORNIA
DEPARTMENT OF TRANSPORTATION
DISADVANTAGED BUSINESS ENTERPRISE
PROGRAM
IMPLEMENTATION AGREEMENT
FOR
SAN BERNARDINO ASSOCIATED GOVERNMENTS**

CALIFORNIA DEPARTMENT OF TRANSPORTATION DISADVANTAGED BUSINESS ENTERPRISE IMPLEMENTATION AGREEMENT

For the San Bernardino Associated Governments (SANBAG), hereinafter referred to as "RECIPIENT."

I Definition of Terms

The terms used in this agreement have the meanings defined in 49 CFR § 26.5.

II OBJECTIVE/POLICY STATEMENT (§26/1. 26/23)

The RECIPIENT intends to receive federal financial assistance from the U. S. Department of Transportation (DOT) through the California Department of Transportation (Caltrans), and as a condition of receiving this assistance, the RECIPIENT will sign the California Department of Transportation Disadvantaged Business Enterprise Program Implementation Agreement (hereinafter referred to as Agreement). The RECIPIENT agrees to implement the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan (hereinafter referred to as the DBE Program Plan) as it pertains to local agencies. The DBE Program Plan is based on U.S. Department of Transportation (DOT), 49 CFR, Part 26 requirements.

It is the policy of the RECIPIENT to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also their policy:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- To create a level playing field on which DBE's can compete fairly for DOT-assisted contracts.
- To ensure that their annual overall DBE participation percentage is narrowly tailored, in accordance with applicable law.
- To ensure that only firms that fully meet 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs.
- To help remove barriers to the participation of DBEs in DOT-assisted contracts.
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

III Nondiscrimination (§26.7)

RECIPIENT will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR, Part 26 on the basis of race, color, sex, or national origin. In administering the local agency components of the DBE Program Plan, the RECIPIENT will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program Plan with respect to individuals of a particular race, color, sex, or national origin.

IV Annual DBE Submittal Form (§26.21)

The RECIPIENT will provide to the Caltrans District Local Assistance Engineer (DLAE) a completed *Local Agency DBE Annual Submittal Form* (Exhibit 9-B) by June 1 of each year for the following Federal Fiscal Year (FFY). This form includes an Annual Anticipated DBE Participation Level (AADPL), methodology for establishing the AADPL, the name, phone number, and electronic mailing address of the designated DBELO, and the choice of Prompt Pay Provision to be used by the RECIPIENT for the following FFY.

V Race-Neutral Means of Meeting the Overall Statewide Annual DBE Goal (§26.51)

RECIPIENT must meet the maximum feasible portion of its AADPL by using race-neutral means of facilitating DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures, is awarded a subcontract on a prime contract that does not carry a DBE goal, or even if there is a DBE goal, wins a subcontract from a prime contractor that did not consider its DBE status in making the award (e.g., a prime contractor that uses a strict low-bid system to award subcontracts).

Race-neutral means include, but are not limited to, the following:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
3. Providing technical assistance and other services;
4. Carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
6. Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of types of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
8. Ensuring distribution of your DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
9. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

VI Race Conscious Means of Meeting the Overall Statewide Annual DBE Goal (\$26.51(d))

RECIPIENT must establish contract goals for Underutilized Disadvantaged Business Enterprises (UDBEs) to meet any portion of your AADPL you do not project being able to meet using race-neutral means. UDBEs are limited to these certified DBEs that are owned and controlled by African Americans, Native Americans, Women, and Asian Pacific Americans.

VII Quotas (\$26.43)

RECIPIENT will not use quotas or set-asides in any way in the administration of the local agency component of the DBE Program Plan.

VIII DBE Liaison Officer (DBELO) (\$26.25)

RECIPIENT has designated a DBE Liaison Officer. The DBELO is responsible for implementing the DBE Program Plan, as it pertains to the RECIPIENT, and ensures that the RECIPIENT is fully and properly advised concerning DBE Program Plan matters. The DBELO has a support staff of two support personnel who devote a portion of their time to the program. The name, address, telephone number, electronic mail address, and an organization chart displaying the DBELO's position in the organization are found in Attachment A to this Agreement. This information will be updated annually and included on the DBE Annual Submittal Form.

The DBELO is responsible for developing, implementing, and monitoring the RECIPIENT's requirements of the DBE Program Plan in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to determine projected Annual Anticipated DBE Participation Level.
4. Ensures that bid notices and requests for proposals are made available to DBEs in a timely manner.
5. Analyzes DBE participation and identifies ways to encourage participation through race-neutral means.
6. Participates in pre-bid meetings.
7. Advises the CEO/governing body on DBE matters and DBE race-neutral issues.
8. Provides DBEs with information and recommends sources to assist in preparing bids, obtaining bonding and insurance.
9. Plans and participates in DBE training seminars.
10. Provides outreach to DBEs and community organizations to fully advise them of contracting opportunities.

B. PROMPT PAYMENT

Prompt Progress Payment to Subcontractors

The local agency shall require contractors and subcontractors to be timely paid as set forth in Section 7108.5 of the California Business and Professions Code concerning prompt payment to subcontractors. The 10-days is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30 days may take place only for good cause and with the agency's prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies of that Section. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Prompt Payment of Withheld Funds to Subcontractors

The local agency shall ensure prompt and full payment of retainage from the prime contractor to the subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed and accepted. This shall be accompanied by including either (1), (2), or (3) of the following provisions [local agency equivalent will need Caltrans approval] in their federal-aid contracts to ensure prompt and full payment of retainage [withheld funds] to subcontractors in compliance with 49 CFR 26.29.

1. No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
2. No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

3. The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

XIII Local Assistance Procedures Manual

The RECIPIENT will advertise, award and administer DOT-assisted contracts in accordance with the most current published Local Assistance Procedures Manual (LAPM).

XIV Transit Vehicle Manufacturers (§ 26.49)

If FTA-assisted contracts will include transit vehicle procurements, RECIPIENT will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on transit vehicle procurements, to certify that it has complied with the requirements of 49 CFR Part 26, Section 49.

XV Bidders List (§26.11(c))

The RECIPIENT will create and maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on its DOT-assisted contracts. The bidders list will include the name, address, DBE/nonDBE status, age, and annual gross receipts of the firm.

XVI Reporting to the DLAE

RECIPIENT will promptly submit a copy of the Local Agency Bidder/Proposer-UDBE Commitment (Consultant Contract), (Exhibit 10-O(1) "Local Agency Bidder/Proposer-DBE Commitment (Consultant Contract)") or Exhibit 15-G(1) "Local Agency Bidder-UDBE Commitment (Construction Contract) to the DLAE at the time of award of the consultant or construction contracts.

RECIPIENT will promptly submit a copy of the Local Agency Bidder-DBE Information (Exhibit 15-G(2) "Local Agency Bidder-DBE (Construction Contracts) - Information" or Exhibit 10-O(2) "Local Agency Proposer/Bidder-DBE (Consultant Contracts)-Information" of the LAPM) to the DLAE at the time of execution of consultant or construction contract.

RECIPIENT will promptly submit a copy of the Final Utilization of DBE participation to the DLAE using Exhibit 17-F "Final Report - Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors" of the LAPM immediately upon completion of the contract for each consultant or construction contract.

IX Federal Financial Assistance Agreement Assurance (§26.13)

RECIPIENT will sign the following assurance, applicable to and to be included in all DOT-assisted contracts and their administration, as part of the program supplement agreement for each project.

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract, or in the administration of its DBE Program, or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR, Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE Program, as required by 49 CFR, Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.). [Note – this language is to be used verbatim, as it is stated in §26.13(a).]

X DBE Financial Institutions (§26.27)

It is the policy of the RECIPIENT to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

Information on the availability of such institutions can be obtained from the DBELO. The Caltrans' Disadvantaged Business Enterprise Program may offer assistance to the DBELO.

XI Directory (§26.31)

RECIPIENT will refer interested persons to the Unified Certification Program DBE directory available from the Caltrans Disadvantaged Business Enterprise Program's website at www.dot.ca.gov/hq/bep.

XII Required Contract Clauses (§§26.13, 26.29)

RECIPIENT ensures that the following clauses or equivalent will be included in each DOT-assisted prime contract:

A. CONTRACT ASSURANCE

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as recipient deems appropriate.

[Note – This language is to be used verbatim, as is stated in §26.13(b). See Caltrans Sample Boiler Plate Contract Documents on the Internet at www.dot.ca.gov/hq/LocalPrograms under "Publications."]

XVII Certification (§26.83(a))

RECIPIENT ensures that only DBE firms currently certified by the California Unified Certification Program will participate as DBEs on DOT-assisted contracts.

XVIII Confidentiality

RECIPIENT will safeguard from disclosure to third parties, information that may reasonably be regarded as confidential business information consistent with federal, state, and local laws.

This California Department of Transportation's Disadvantaged Business Enterprise Program Implementation Agreement is accepted by:

**SAN BERNARDINO
ASSOCIATED GOVERNMENTS**

CALTRANS

By: _____


Gary C. Ovin
President
SANBAG Board of Directors

By: _____


Patrick Hally, DLAE
CALTRANS

Date: _____

5/6/09

Date: _____

6/1/09

APPROVED AS TO FORM:

By: _____


Jean Rene Basle
SANBAG Counsel

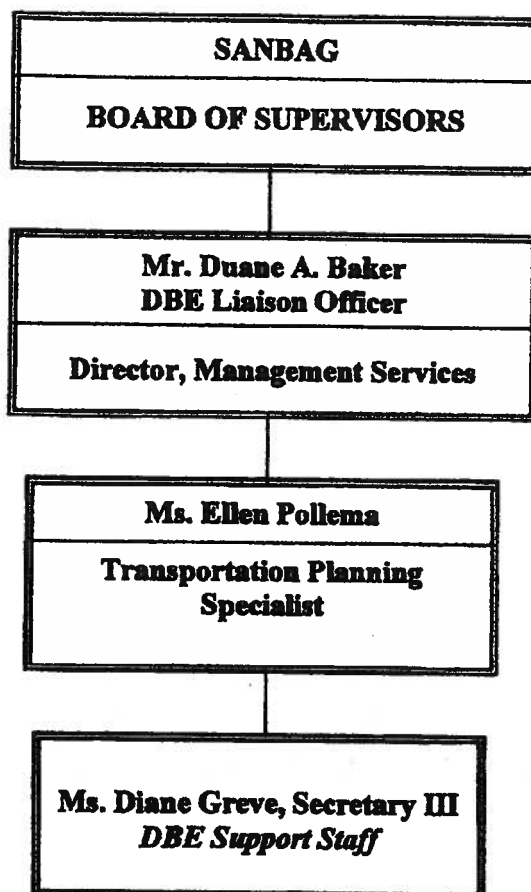
5/6/09

Distribution: (1) Original - DLAE
(2) Signed copy by the DLAE - Local Agency

(Updated: March 4, 2009)



**SAN BERNARDINO ASSOCIATED
GOVERNMENTS (SANBAG)
DISADVANTAGED BUSINESS
ENTERPRISE (DBE) PROGRAM
ORGANIZATIONAL CHART**



DBE Liaison Officer Contact Information:

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**SANBAG
ANNUAL ANTICIPATED DBE PARTICIPATION LEVEL (AADPL)
METHODOLOGY FOR
FEDERAL FISCAL YEAR 2010/11**

(Covering the period of October 1, 2010 through September 30, 2011)

I. INTRODUCTION

SANBAG herein sets forth its Annual Anticipated DBE Participation Level (AADPL) and corresponding methodology for Federal Fiscal Year (FFY) 2010/11. The AADPL submitted for consideration includes Race-Neutral and Race-Conscious projections on how SANBAG anticipates achieving its AADPL. The Race-Conscious component of SANBAG's DBE program is limited to the four (4) Underutilized Disadvantaged Business Enterprise (UDBE) groups (African American, Asian Pacific, Native American and Women), in conformance with Title 49 CFR Part 26 and directives and guidance issued by California Department of Transportation (Caltrans) dated March 4, 2009.

II. DOT-ASSISTED CONTRACTING PROGRAM FOR FFY 2010/11

Table 1 serves to identify SANBAG's DOT-assisted contracting program for FFY 2010/11 considered in preparing its *Annual Anticipated DBE Participation Level (AADPL)*. The *Hunts Lane UP Grade Separation Project* scope of work includes: construction of a UP grade separation, including the construction of structural concrete structures and minor concrete structures, PCC Pavement, landscaping, signal installation, lighting, water main, sewer main, reinforced concrete pipe, junction structures, inlets, catch basins, demolition, clearing and grubbing and other related trades and construction management services. This project has viable subcontracting possibilities, a required criterion for AADPL consideration, and is anticipated to be awarded within FFY 2010/11.

Table 1

PROJECT	Total Estimated Project Cost	Estimated Federal Dollar Share of Construction	Estimated Federal Dollar Share of Professional Services	Estimated Federal Dollar Share of Materials & Supplies
Hunts Lane and UP Grade Separation	\$25,156,000	\$18,840,000	\$0.00	\$0.00
TOTAL	\$25,156,000.00	\$18,840,000.00	\$0.00	-0-

Table 2 provides a summary of the categories of work/scopes of the defined Contract/Project identified in Table 1 by various North American Industrial Classification System (NAICS) work codes for purposes of weighing the categories of work based on their estimated dollar value and

the corresponding relative availability of DBEs in contrast to all firms available in the following "Base Figure" analysis:

Table 2

CATEGORY OF WORK	NAICS CODES	ESTIMATED % OF CONTRACT
221310	Water Supply and Irrigation Systems	0.79%
237110	Water and Sewer Line and Related Structures Construction	6.63%
237310	Highway, Street, and Bridge Construction	20.32%
238120	Structural Steel and Precast Concrete Contractors	7.96%
238140	Masonry Contractors	0.34%
238210	Electrical Contractors and Other Wiring Installation Contractors	1.56%
238320	Painting Contractors	0.10%
238910	Site Preparation Contractors	0.12%
238990	All Other Specialty Trade Contractors	61.51%
541330	Engineering Services	0.12%
541620	Environmental Consulting Services	0.06%
561730	Landscaping Services	0.49%
TOTAL		100% (75% of Federal \$)

III. AADPL - METHODOLOGY

Step 1: Determination of a Base Figure (26.45)¹

To establish SANBAG's Base Figure of the relative availability of DBEs to all comparable firms (DBEs and Non-DBEs) available to bid or propose on SANBAG's FFY 2010/11 DOT-assisted contracting opportunities projected to be solicited, SANBAG followed one of the five prescribed federal methodologies to determine relative availability. This was accomplished by accessing the *California Unified Certification Program (CUCP) DBE Database of Certified Firms* and the *2007 U.S. Census Bureau County Business Patterns (CBP) Database* sorted by corresponding zip codes within SANBAG's market area (defined as the County of San Bernardino, County of Riverside, County of Los Angeles, and Orange County) for each of the specific subcontracting possibilities by NAICS Code. SANBAG's local market area represents where the substantial majority of SANBAG's dollars are intended to be expended and/or where the substantial majority of SANBAG's bids or quotes are received for similar types of work.

¹ 26.45 represent Title 49 CFR Part 26 regulatory goal setting methodology reference.

SANBAG made a concerted effort to ensure that the type of businesses included in the numerator was as close as possible to the types of businesses included in the denominator. For corresponding detail of all work category classifications grouped, refer to Attachments I and II.

- ⇒ **For the numerator:** *California UCP DBE Database of Certified Firms*
 ⇒ **For the denominator:** *2007 U.S. Census Bureau Business Pattern Database (CBP)*

To determine the relative availability of DBEs, SANBAG divided the numerator representing the ratio of ready, willing and able DBE firms by NAICS within SANBAG's defined market area, by the denominator representing all firms (DBEs and Non-DBEs) available by each work category within the defined market area. SANBAG further refined its analysis by applying weight to each individual work category relative to its estimated contracting dollar share.

The AADPL Base Figure resulting from this weighted calculation is as follows:

$$\left(\frac{\text{Number of Ready, Willing, and Able DBEs}}{\text{Number of All Available Firms (Including DBEs and Non-DBEs)}} \times \text{Weight} \right) \times 100 = \text{AADPL BASE FIGURE}$$

Step 1: AADPL Base Figure (weighted by type of work to be performed (NAICS Categories) and estimated corresponding contracting dollars)

DBE's	DBEs (a)	All Firms (b)	Availability (c)	Weight (d)	Weighted (e)
221310 Water Supply and Irrigation Systems	7	142	0.0493	0.79%	0.0004
237110 Water and Sewer Line and Related Structures Construction	35	341	0.1026	6.63%	0.0068
237310 Highway, Street, and Bridge Construction	76	270	0.2815	20.32%	0.0572
238120 Structural Steel and Precast Concrete Contractors	35	235	0.1489	7.96%	0.0119
238140 Masonry Contractors	12	722	0.0166	0.34%	0.0001
238210 Electrical Contractors and Other Wiring Installation Contractors	81	3,633	0.0223	1.56%	0.0003
238320 Painting Contractors	24	1,662	0.0144	0.10%	0.0000
238910 Site Preparation Contractors	57	1,122	0.0508	0.12%	0.0001
238990 All Other Specialty Trade Contractors	91	1,491	0.0610	61.51%	0.0375
541330 Engineering Services	154	3,102	0.0496	0.12%	0.0001
541620 Environmental Consulting Services	87	449	0.1938	0.06%	0.0001
561730 Landscaping Services	11	2,752	0.0040	0.49%	0.0000
				100%	0.1145
AADPL Base Figure				11.45%	

Based on this analysis, SANBAG determined its AADPL to be 11.45% for FFY 2010/11. The AADPL is expressed as a percentage of all DOT-assisted funds that SANBAG anticipates to expend in FFY 2010/11.

The AADPL further serves to identify the relative availability of DBEs based on evidence of ready, willing, and able DBEs to all comparable firms, which are known to be available to compete for and perform on SANBAG's DOT-assisted contracts. The AADPL reflects a determination of the level of DBE participation, which would be expected absent the effects of discrimination.

RACE-CONSCIOUS PROJECTION

To determine the Race-Conscious component projection of its AADPL, SANBAG refined the numerator to exclusively represent the ratio of ready, willing and able UDBE firms (African American, Asian Pacific American, Native American and Women owned firms) by NAICS within SANBAG's defined market area and divided this number by the denominator representing all firms (DBEs and Non-DBEs) available by each work category within the defined market area. SANBAG further refined its Race-Conscious projection analysis by applying weight to each work category relative to its estimated contract dollar share. For corresponding detail of all defined work category classifications, refer to Attachments I-RC and Attachment II.

	UDBEs	UDBEs (a)	All Firms (b)	Availability a/b = c (c)	Weight (d)	c x d = e (e)
221310	Water Supply and Irrigation Systems	2	142	0.0141	0.79%	0.0001
237110	Water and Sewer Line and Related Structures Construction	13	341	0.0381	6.63%	0.0025
237310	Highway, Street, and Bridge Construction	41	270	0.1519	20.32%	0.0309
238120	Structural Steel and Precast Concrete Contractors	13	235	0.0553	7.96%	0.0044
238140	Masonry Contractors	5	722	0.0069	0.34%	0.0000
238210	Electrical Contractors and Other Wiring Installation Contractors	47	3,633	0.0129	1.56%	0.0002
238320	Painting Contractors	11	1,662	0.0066	0.10%	0.0000
238910	Site Preparation Contractors	32	1,122	0.0285	0.12%	0.0000
238990	All Other Specialty Trade Contractors	51	1,491	0.0342	61.51%	0.0210
541330	Engineering Services	103	3,102	0.0332	0.12%	0.0000
541620	Environmental Consulting Services	75	449	0.1670	0.06%	0.0001
561730	Landscaping Services	5	2,752	0.0018	0.49%	0.0000
					100%	0.0593
Race-Conscious Component Projection					5.93%	

RACE-NEUTRAL PROJECTION

To determine the Race-Neutral component projection of its AADPL, SANBAG subtracted the established AADPL Base Figure (11.45%) by the Race-Conscious Projection (5.93%). The Race-Neutral projection determined based on the application of this formula follows:

$$\text{AADPL Base Figure (11.45\%)} - \text{Race-Conscious Base Figure (5.93\%)} = \text{Race-Neutral (\%)} \\ \text{Projection Formula}$$

<i>AADPL Base Figure</i>	11.45 %
<i>Race-Conscious Component Projection</i>	- 5.93 %
	5.52%
<i>Race-Neutral Projection = 5.52%</i>	

RACE-NEUTRAL & RACE-CONSCIOUS PROJECTIONS

Accordingly, SANBAG projects to meet **5.93%** of the **11.45%** AADPL for FFY 2010/11 utilizing **Race-Conscious measures**, including establishing and utilizing contract specific UDBE numeric goals, as necessary to achieve the AADPL. **5.52%** of the **11.45%** AADPL is projected to be achieved utilizing **Race-Neutral methods** in accordance with Title 49 CFR Part 26.51. The application of Race-Conscious goals on SANBAG's DOT-assisted contracts will continue to be used only to the extent necessary to achieve SANBAG's AADPL. Should the initial contract's actual DBE commitments exceed projections, adjustments will be made accordingly.

IV. RACE-NEUTRAL IMPLEMENTATION MEASURES

In accordance with Title 49 CFR Part 26.51, SANBAG understands that it must meet the maximum feasible portion of its AADPL by utilizing Race-Neutral means of facilitating DBE participation. Therefore, SANBAG plans to implement the following Race-Neutral measures for FFY 2010/11:

- SANBAG will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces); ***Planned Race-Neutral Measures:*** will also include holding pre-bid conferences for SANBAG's federally-aided projects, which include a networking component to promote teaming opportunities between prospective Primes and the DBE and Small Business contracting community.

- Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing); **Planned Race-Neutral Measures:** *SANBAG will, through its website refer the DBE and Small Business Contracting Community to the SBA Bonding Assistance Program, via the Caltrans California Construction Contracting Program (CCCP) and its technical counselors.*
- Carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate); **Planned Race-Neutral Measures:** *SANBAG will solicit DBEs and Small Businesses within SANBAG's defined market area utilizing any or all of the following means: Issue solicitation flyers/letters to promote upcoming bid opportunities through, email blasts, postcards, website posting, fax blasts, etc.*
- Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses; **Planned Race-Neutral Measures:** *SANBAG will actively promote the Caltrans sponsored California Construction Contracting Program (CCCP) to its market place contractors, consultants and vendors through SANBAG's website by directing them to www.buildcalifornia.org*
- Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of types of work, handle increasingly significant projects, and achieve eventual self-sufficiency; **Planned Race-Neutral Measures:** *SANBAG will hold pre-bid conferences that will include a networking component to promote teaming opportunities between prospective primes and the DBE and Small Business contracting community.*
- Ensuring distribution of your DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; **Planned Race-Neutral Measures:** *SANBAG will advise its Contracting Community of the availability of the California Unified Certification Program (CUCP) database (directory of Certified DBEs) website at www.dot.ca.gov/ucp/GetLicenseForm.do*
- Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media. **Planned Race-Neutral Measures:** *SANBAG will advise the DBE and Small Business community to participate and attend Caltrans' sponsored free courses specifically offered through the CCCP, specifically the "Navigating the Caltrans Procurement Website" course to assess bid opportunities as this course includes tips on accessing local agencies websites as well.*

V. CONTRACT-SPECIFIC UDBE GOAL APPLICATION BY PROJECT

The following Table serves to breakdown the results of the availability analysis and weighting by project to facilitate contract specific goal application.

CONTRACT-SPECIFIC UDBE GOAL APPLICATION BY PROJECT		
PROJECT NAME	PROFESSIONAL SERVICES	CONSTRUCTION
Hunts Lane and UP Grade Separation	N/A	5.93%

**SANBAG
ANNUAL ANTICIPATED DBE PARTICIPATION LEVEL (AADPL)
FEDERAL FISCAL YEAR 2010/2011**

ESTABLISHMENT OF THE NUMERATOR (DBE)

OF ESTABLISHED DBE FIRMS BY NAICS WORK CATEGORIES WITHIN SANBAG'S
MARKET AREA (DEFINED AS LOS ANGELES, ORANGE, RIVERSIDE & SAN BERNARDINO COUNTIES)¹

WORK CATEGORIES:	BY CORRESPONDING ZIP CODE																									
	015	041	042	051	061	062	063	064	065	066	067	068	069	070	071	072	073	074	075	076	077	078	079	080	081	082
221310 Water Supply and Irrigation Systems	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
227110 Water and Sewer Line and Related Structures	2	0	1	0	0	1	3	3	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
227310 Sewer, Storm, and Bridge Construction	7	0	3	1	0	1	7	5	0	1	1	0	7	1	1	0	13	0	0	4	2	0	4	2	2	0
230120 Electrical, Electronic, and Communications Equipment and Related Components	5	0	0	0	0	2	1	3	1	1	0	0	2	0	0	0	4	0	3	4	2	3	1	2	1	0
230140 Heavy Construction	1	0	2	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
230210 Structural Construction	12	0	5	2	0	0	2	1	1	2	0	0	3	0	0	0	2	0	0	2	0	1	0	1	0	0
230220 Building and Non-Building Construction	3	0	2	0	0	0	2	1	1	2	0	0	1	1	0	1	4	0	0	0	0	0	0	0	0	0
230230 Non-Residential Construction	5	0	1	1	1	1	1	1	1	1	0	1	3	1	0	0	6	0	3	5	3	6	1	1	0	3
230240 All Other Specialty Trade Construction	9	0	3	2	1	0	3	8	1	2	0	1	1	0	0	1	17	0	3	5	2	6	7	4	12	2
841200 Engineering Services	13	0	2	1	2	2	2	4	2	3	8	2	8	0	2	1	29	0	3	3	0	7	29	11	20	0
841900 Environmental Consulting Services	6	0	8	0	2	0	0	3	3	0	4	1	3	0	0	0	12	0	3	1	1	6	12	6	12	0
841700 Landscaping Services	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	1	3	0
	83	0	27	7	4	13	24	15	11	11	13	6	41	3	6	4	104	0	29	52	14	52	62	33	77	5

¹ DATA SOURCED: California UIC DBE Database of Certified Firms.

SANBAG
ANNUAL ANTICIPATED DBE PARTICIPATION LEVEL (AADPL)
FEDERAL FISCAL YEAR 2010/2011

ESTABLISHMENT OF THE NUMERATOR (UDBE):

OF ESTABLISHED UDBE FIRMS BY NAICS WORK CATEGORIES WITHIN SANBAG'S
MANIFEST AREA (DEFINED AS LOS ANGELES, ORANGE, RIVERSIDE & SAN BERNARDINO COUNTIES)¹

WORK CATEGORIES:		BY CORRESPONDING ZIP CODE																															
NAICS CODE	DESCRIPTION	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	TOTAL	
237110	Water Supply and Irrigation Systems Construction	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
237110	Water and Sewer Line and Related Structures Construction	1	0	1	0	0	0	2	2	0	0	0	0	0	0	2	0	0	0	2	0	0	0	0	0	0	0	0	0	1	1	0	23
237110	Highways, Street, and Bridge Construction	5	0	2	1	0	1	5	3	0	0	0	0	0	3	1	0	0	7	0	0	0	0	0	0	0	0	0	3	1	5	1	41
237120	Structural Steel and Precast Concrete Construction	2	0	0	0	0	1	0	2	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	15
238140	Masonry Construction	0	0	2	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
238170	Electrical Construction	9	0	3	2	0	1	0	2	0	1	0	0	4	0	0	0	0	8	0	0	0	0	2	0	0	5	3	0	0	0	0	47
238210	Painting and Wall Covering Construction	1	0	2	0	0	1	0	1	1	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	1	1	1	1	11
238220	Roofing and Siding Construction	4	0	1	1	0	1	1	1	1	0	2	0	0	0	1	0	0	0	11	0	0	3	2	4	2	6	0	0	0	0	0	32
238230	Other Trade Construction	8	0	3	2	0	0	1	5	1	1	0	0	0	0	0	0	0	11	0	0	3	2	4	4	2	6	0	0	0	0	0	51
238240	All Other Specialty Trade Construction	11	0	2	1	0	2	0	3	1	1	4	1	5	0	2	0	2	0	23	0	0	2	0	1	28	9	7	0	0	0	0	103
811000	Engineering Services	6	0	7	0	2	0	3	2	3	0	3	0	2	1	0	0	2	0	9	0	0	3	0	1	5	12	6	0	0	0	0	75
811000	Environmental Consulting Services	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
811720	Landscape Architecture	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	TOTAL FOR ESTABLISHED UDBE FIRMS	48	0	23	7	1	7	21	23	9	6	7	2	27	3	2	0	0	60	0	0	3	13	9	34	25	23	30	3	0	0	0	370

¹: DATA SOURCE: California UCP DBE Database of Certified Firms.

**SANBAG
ANNUAL ANTICIPATED DBE PARTICIPATION LEVEL (AADPL)
FEDERAL FISCAL YEAR 2010/2011**

ESTABLISHMENT OF THE DENOMINATOR (All Firms):

**# OF ALL ESTABLISHED FIRMS (DBEs, UDBEs and NON-DBEs) BY NAICS WORK CATEGORIES
WITHIN SANBAG's MARKET AREA (DEFINED AS LOS ANGELES, ORANGE, RIVERSIDE & SAN BERNARDINO
COUNTIES)²**

WORK CATEGORIES:		BY CORRESPONDING COUNTY				
NAICS CODE	NAICS DESCRIPTION	LOS ANGELES	ORANGE	RIVERSIDE	SAN BERNARDINO	TOTAL
221310	Water Supply and Irrigation Systems	73	15	19	35	142
237110	Water and Sewer Line and Related Structures Construction	106	68	97	70	341
237310	Highway, Street, and Bridge Construction	96	63	56	55	270
238120	Structural Steel and Precast Concrete Contractors	122	40	25	48	235
238140	Masonry Contractors	303	177	152	90	722
238210	Electrical Contractors	1832	874	527	400	3,633
238320	Painting and Wall Covering Contractors	809	451	240	162	1,662
238910	Site Preparation Contractors	430	240	266	186	1,122
238990	All Other Specialty Trade Contractors	579	358	316	238	1,491
541330	Engineering Services	1493	1086	263	260	3,102
541620	Environmental Consulting Services	205	159	43	42	449
561730	Landscaping Services	1138	789	559	266	2,752
TOTAL NUMBER OF ESTABLISHED FIRMS		7,186	4,320	2,563	1,852	15,921

²: DATA SOURCE: 2007 U.S. Census Bureau: County Business Patterns, NAICS Work Category Codes.

Exhibit 9-B Local Agency DBE Annual Submittal Form

TO: CALTRANS DISTRICT 08
District Local Assistance Engineer – Mr. Sean Yeung

The amount of the Annual Anticipated DBE Participation Level (AADPL) and methodology are presented herein, in accordance with Title 49 of the Code of Federal Regulations (CFR), Part 26, and the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan.

The San Bernardino Associated Governments ("SANDAG") submits our AADPL information. We have established an AADPL of 11.45% (5.52% Race Neutral; 5.93% Race Conscious) for the Federal Fiscal Year 2010/11, beginning on October 1, 2010 and ending on September 30, 2011.

Methodology

Refer to the attached AADPL Methodology Enclosure.

Disadvantaged Business Enterprise Liaison Officer (DBELO)

Mr. Duane Baker
San Bernardino Associated Governments (SANBAG)
1170 W. 3rd Street, 2nd Floor
San Bernardino, CA 92410
909-884-8276 phone
909-885-4407 fax
dbaker@sanbag.ca.gov

Planned Race-Neutral Measures

SANBAG plans to implement the following race-neutral measures to comply with 49 CFR Part 26.51 and Section V of the California Department of Transportation Race-Conscious DBE Program Implementation Agreement for Local Agencies.

SANBAG will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces); and other Planned Race-Neutral Measures: will also include holding pre-bid conferences for SANBAG's federally-aided projects, which include a networking component to promote teaming opportunities between prospective Primes and the DBE and Small Business contracting community.

- Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing); Planned Race-Neutral Measures: SANBAG will, through its website refer the DBE and Small Business Contracting Community to the SBA bonding assistance program, via the California Construction Contracting Program (CCCP) and its technical counselors.
- Providing technical assistance and other services;
- Carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate); Planned Race-Neutral Measures:

SANBAG will solicit DBEs and Small Businesses within the SANBAG's defined market area utilizing any or all of the following means: Issue solicitation flyers/letters to promote upcoming bid opportunities through; email blasts, postcards, website posting, fax blasts, etc.

- Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses; Planned Race-Neutral Measures: SANBAG will actively promote the Caltrans sponsored California Construction Contracting Program (CCCCP) to its market place contractors, consultants and vendors through the SANBAG's website by directing them to www.buildcalifornia.org
- Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of types of work, handle increasingly significant projects, and achieve eventual self-sufficiency; Planned Race-Neutral Measures: SANBAG will hold pre-bid conferences that will include a networking component to promote teaming opportunities between prospective primes and the DBE and Small Business contracting community.
- Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; Planned Race-Neutral Measures: SANBAG will advise its Contracting Community of the availability of the California Unified Certification Program (CUCP) database (directory of Certified DBEs) website at www.dot.ca.gov/ucp/GetLicenseForm.do
- Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media. Planned Race-Neutral Measures: SANBAG will advise the DBE and Small Business community to participate and attend Caltrans' sponsored free courses specifically offered through the CCCC. Specifically, firms will be referred to "Navigating the Caltrans Procurement Website" course to assess bid opportunities as this course includes tips on accessing local agencies websites as well.
- SANBAG staff will participate in training sessions as available, to keep current on regulatory update/directives.

Prompt Pay

Federal regulation (49 CFR 26.29) requires one of three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage, kept by the prime contractor or subcontractor, to a subcontractor. (SANBAG's designation is Attached)

Prompt Payment Mechanism

49 CFR Part 26.29(d) requires providing appropriate means to enforce prompt payment. These means may include appropriate penalties for failure to comply with the terms and conditions of the contract. The means may also provide that any delay or postponement of payment among the parties may take place only for good cause, with the local agency's prior written approval. A brief description of SANBAG's monitoring and enforcement mechanisms in place to ensure that all subcontractors, including DBEs, are promptly paid is provided below:

During the course of contract construction, contractor is required to provide Subcontracting Request Form that lists and details all subcontractors that will be performing work worth more than \$10,000 and/or 1/2% of the total bid. This submittal is tallied with the listed subcontractors (including DBEs) in the bid document to verify that the subcontractors (including DBEs) are getting their portion of the work. The monthly labor compliance documentation is collected by each project's construction management firm to verify the names of employers (DBE and non-DBE) performing the work for materials and workmanship provided for the contract. Through review and management of labor compliance documentation, San Bernardino Associated Governments will know who performed specific services provided during the course of construction. At the completion of the construction contract, the contractor is required to submit the Final Report-Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors form, Exhibit 17-F, which is reviewed and approved prior to project closeout.

(Signature) _____ Date _____

Duane Baker, Director of Management Services (909) 884-8276
(Print Name and Title) _____ Phone Number
San Bernardino Associated Governments ("SANBAG")

(Signature of Caltrans District Local Assistance Engineer [DLAE]) _____ Date _____

Distribution: (1) Original - DLAE
(2) Signed copy by the DLAE - Local Agency

DBE Annual Submittal Form (07/31/09)

(Attachment)

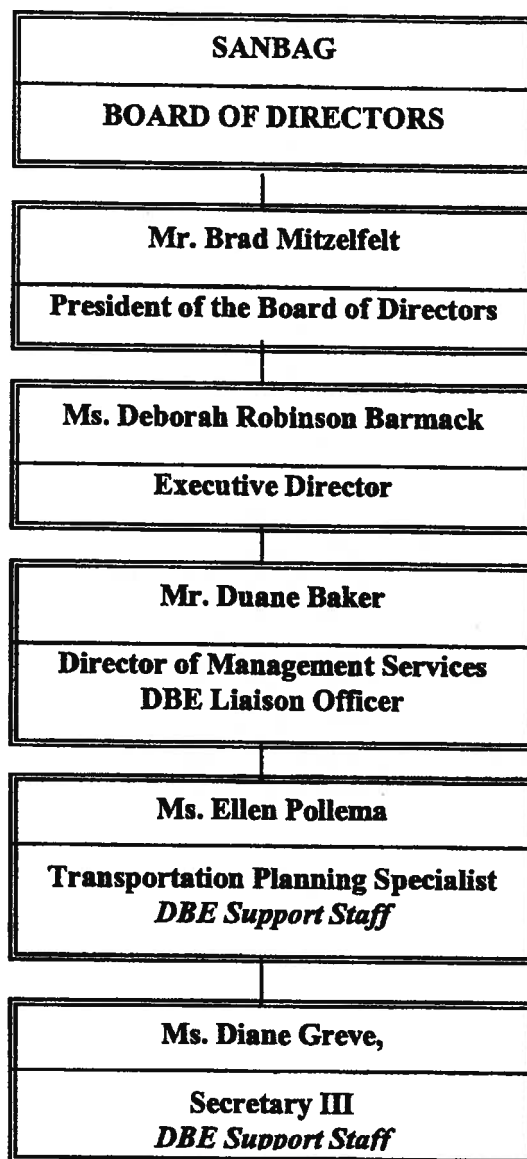
Prompt Payment of Withheld Funds to Subcontractors

Federal regulation (49 CFR 26.29) requires one of the following three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor.

Please check the box of the method chosen by the local agency to ensure prompt and full payment of any retainage.

- ☒ **Method 1:** No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
- ☐ **Method 2:** No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
- ☐ **Method 3:** The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

**SAN BERNARDINO ASSOCIATED
GOVERNMENTS (SANBAG)
DISADVANTAGED BUSINESS
ENTERPRISE (DBE) PROGRAM
ORGANIZATIONAL CHART**



DBE Liaison Officer Contact Information:

Mr. Duane Baker
San Bernardino Associated Governments (SANBAG)
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Phone: (909) 884-8276
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E-Mail: dbaker@sanbag.ca.gov

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
 ■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 7

Date: July 14, 2010

Subject: State and Federal Legislative Update and Bills of Interest

- Recommendation:***
1. Receive and file State and Federal Update;
 2. Adopt positions on bills of interest:
 - a. Monitor SB 474 (Ducheny)
 - b. Monitor AB 2620 (Eng)
 - c. Oppose AB 1955 (De La Torre)
 - d. Support S. 322 (Schumer) / H.R. 891 (McGovern)
 - e. Support prospective Metrolink-sponsored legislation for PTC funding

Background: State & Federal General Update

To the surprise of no one, the State Legislature has gone home for summer recess without passing a budget. Despite the convening of a Budget Conference Committee, both parties apparently remain very far apart on a deal. San Bernardino County delegation members Senator Bob Dutton and Senator Bob Huff are members of the Conference Committee.

In the way of good news from Sacramento, last week SANBAG received a substantial victory when the California Transportation Commission (CTC) selected the I-15/I-215 Devore Interchange as one of 10 projects statewide that Caltrans can construct using a streamlined project delivery method known as design-build. SB X2 4 created a pilot program in the 2009 budget deal that allows

Approved
Administrative Committee

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

X	COG	X	CTC		CTA		SAFE		CMA
---	-----	---	-----	--	-----	--	------	--	-----

Check all that apply

ADM1007a-ah

Caltrans to use design-build on up to 15 transportation projects statewide. Proceeding with the design-build method and designating Caltrans as the lead agency underscores the successful working relationship between Caltrans and SANBAG. Both public and private agencies will be utilized on the project and construction could start up to seventeen months sooner utilizing the design-build approach. At the same meeting, the CTC approved a \$118 million allocation of State Highway Operation and Protection Program (SHOPP) funds for the project. This action honors the agreement the SANBAG Board of Directors made during negotiations for Colton Crossing.

In Washington, news has been slow regarding the next federal surface transportation authorization bill. Prospects continue to dim for a bill in early 2011, leaving many to speculate that passing a long-term bill may actually be a long-term problem – as in after the 2012 Presidential election. Raising revenue to pay for the investments needed in a new bill and weariness of deficit spending offer virtually no politically attractive options on the table.

In the meantime, there has been a bit of forward motion on the FY 2011 appropriations process. Two weeks ago, the House Appropriations Subcommittee on Transportation, Housing, and Urban Development (THUD) reported out its FY 2011 bill. San Bernardino County fared well, considering that earmarks have been sharply reduced, mainly due to House Republicans' moratorium on earmarks. All earmarks in the bill for San Bernardino County are sponsored by Representative Joe Baca:

- \$42.63 million of Small Starts funding for sbX Bus Rapid Transit (also sponsored by the President);
- \$500,000 for the City of San Bernardino Intermodal Transit Center; and
- \$700,000 for City of Rialto Metrolink Parking Lot Improvements.

These funds are far from the finish line, however. The House THUD bill must pass the full Appropriations Committee and the House floor, as well as the Senate THUD subcommittee and Senate floor – and finally, Conference Committee. It is not expected that Congress will act with haste until later this fall, possibly near or after the general election.

Legislation of Interest

SB 474 (Ducheny) – Monitor

This bill requires a lead agency for a design-build or public-private partnership (P3) project to make a finding regarding the public benefits of using an alternative delivery or financing method. The finding must discuss benefits relating to an accelerated project completion date, cost savings to the agency and traveling public, and attracting additional financial resources that would not otherwise be available. Such a finding must be made within 90 days of awarding a design-build or P3 contract. The bill requires the CTC to develop a uniform methodology to determine the benefits of alternative delivery and financing methods for each project and provide an annual report to the Legislature on the progress of projects and the benefits they achieve. SB 474 is sponsored by Professional Engineers in California Government (PECG).

SB 474 could have potential impacts on the Devore Interchange project and the High Desert Corridor. SANBAG staff recommends that the Board be supportive of the concept of evaluating new pilot programs and measuring public benefits of innovative contracting and financing. However, SB 474 as written may induce unnecessary additional reporting, delays, costly litigation, and prematurely narrow the field of potential benefits that may be reaped from using design-build or P3's.

According to the language of SB 474, "the purpose of requiring the finding is solely to assist the public and the Legislature in evaluating the effectiveness of...alternative methods [of delivery and financing]...in order to determine the extent to which those alternative methods may or may not be authorized for future pilot programs." However, the adoption of a finding could create a legal "hook" for opponents of design-build and P3's to initiate litigation if benefits of a project do not match expectations. The bill also assumes that the CTC can create a "one size fits all" methodology for projects that inherently are more unique and complex than projects that use traditional design-bid-build and public financing. Creating a methodology may take an extensive amount of time, and could delay projects waiting to be measured against the new methodology.

SANBAG staff understands that amendments may be in the works to change the "finding" to a simple resolution of the Board. Staff and legal counsel will monitor the amendments and recommend a position to the Board based on the final contents of those amendments and their impacts to SANBAG projects.

AB 2620 (Eng) – Monitor

This bill is sponsored by the Professional Engineers in California Government (PECG). In its original form, AB 2620 would have earmarked 15% of toll revenues from any toll project authorized after this year for State Highway Operation and Protection program (SHOPP) projects in the corridor of the toll facility. The bill would have diminished local control of local revenues (tolls) and diverted money to the State, creating barriers to financing new toll projects in California. After several narrow votes, the bill was amended for a new purpose.

AB 2620 now addresses overhead costs charged by Caltrans to local agencies such as SANBAG for reimbursed work on locally-funded projects. When Caltrans performs work for a local agency such as SANBAG, SANBAG must reimburse Caltrans for the cost of staff salaries and benefits, space, and equipment needed to perform that work. In addition, Caltrans charges an indirect cost rate to pay for the overhead costs all of Caltrans' operations. If Caltrans did not charge this rate, additional funding from the State Highway Account would be needed to fund the Department's overhead costs and to reimburse the U.S. Department of Transportation for the overhead costs charged to Caltrans for projects using federal funds.

This bill would prohibit Caltrans from charging local agencies such as SANBAG for indirect costs. The intent of the bill is to reduce the cost to local agencies of doing business with the State. In turn, this could make Caltrans more competitive when agencies such as SANBAG are deciding whether to use private consultants or Caltrans for locally-funded projects. However, the bill is likely to face opposition from the Administration, as the bill would essentially provide a State-funded subsidy to local agencies and place additional pressure on the State Highway Account.

AB 2620 is in its second house and awaits a vote in the Senate Appropriations Committee. If the bill passes Senate Appropriations, it would head to the Senate Floor and then back to the Assembly Floor for a concurrence vote before going to the Governor's desk. SANBAG staff recommends a "Monitor" position for two reasons: (1) the bill in its current form could have impact to the cost of SANBAG projects, and (2) AB 2620 has already been subject to a "gut and amend" once, and may yet morph again in the heat of budget negotiations and the end of the regular legislative session.

AB 1955 (De La Torre): Incompatible offices – Oppose

Although this bill has died in Senate Local Government Committee last month, acting under the Board-adopted State Legislative Platform, SANBAG staff has recently lobbied against this legislation with a commitment to bring the bill to the attention of the Board.

The bill added new circumstances that would create incompatible public offices. The manner in which the bill was written could have been interpreted in a way that would disqualify all SANBAG and transit agency board members from their original City Council or Supervisorial seats. The bill would have deemed that no official can sit on two governing bodies that have the power of eminent domain or the power to set rates or fees in an overlapping geographic area. While SANBAG staff recommends the Board be supportive of efforts to prevent conflicts of interest among public officials, AB 1955 created potentially far reaching collateral consequences.

AB 1955 was opposed by the League of California Cities, the California State Association of Counties, several water districts, South Coast Air Quality Management District, and several other transportation commissions. While staff is confident that the author did not intend to create additional legal risk for entities such as SANBAG, until such time that the bill is amended to remove legal ambiguity currently written in the bill, staff recommends an oppose position on AB 1955. However, the bill's death means that the SANBAG's Board's action to oppose will establish a policy precedent in the event that a similar such bill emerges later this Legislative session. In the opinion of staff, taking such a position will not compromise SANBAG's commitment to maintaining public trust and the highest standard of professional ethics.

S. 322 (Schumer) / H.R. 891 (McGovern) – Support

The American Recovery and Reinvestment Act (ARRA) created temporary parity between the pre-tax benefits employers can provide for parking and for transit passes. Previously, employers could provide up to \$175 per month to each employee in tax-free parking subsidies, but only \$100 per month for transit passes. As an incentive to encourage the use of transit, ARRA raised the allowable transit and parking subsidy to \$230 per month through December 31, 2010. The companion bills H.R. 891 and S. 322 would make permanent this equity between parking and transit subsidies from employers, and

tie the subsidy limit to inflation. Neither bill has received a hearing; it may be possible that these provisions are worked into a tax extenders package that Congress may pass soon. The bills have been supported by many transit operators throughout the country. SANBAG staff recommends support for both companion bills.

Prospective Legislation: Metrolink Positive Train Control funding

Legislation may be necessary to ensure the timely award of a contract by the Southern California Regional Rail Authority (SCRRA) for the implementation of Positive Train Control (PTC). Metrolink and its member agencies are mandated by federal law to install PTC by 2015 and have committed to an accelerated schedule that will see implementation as early as 2012.

Caltrans has recommended that the CTC approve \$46,550,000 in Proposition 1A high-speed rail bond funds for Metrolink PTC. Before Metrolink can award a contract for PTC implementation, these funds must be allocated by CTC. However, CTC has deferred action out of concern that absent a state budget or the sale of Prop. 1A bonds by the Treasurer, there is no money to allocate.

Given the need to proceed with implementation of PTC expeditiously, Metrolink member agencies are working together in Sacramento to work out a solution that will allow the CTC to allocate Prop. 1A funds so that Metrolink can proceed with its procurement. A solution may include special legislation regarding a "Letter of No Prejudice" (LONP) which allows local agencies to bear the financial risk of moving forward with a project before State funds are allocated. Such a policy would be consistent with the Proposition 1B bond program and other State funds.

PTC funding is a matter of safety for all Metrolink riders. Implementation of this critical safety technology cannot be delayed. SANBAG staff recommends the Board adopt, in concept, a supportive position on all legislative and administrative efforts to allocate Prop. 1A funds for Metrolink PTC in an expedited manner.

Financial Impact: This item has no direct impact on the adopted budget.

Reviewed By: This item is scheduled for review by the Administrative Committee on July 14, 2010.

Responsible Staff: Aaron Hake, Director of Legislative Affairs

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This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist SANBAG Board Members and partners as they participate in deliberations at SANBAG Board meetings. While a complete list of all acronyms which may arise at any given time is not possible, this list attempts to provide the most commonly-used terms. SANBAG staff makes every effort to minimize use of acronyms to ensure good communication and understanding of complex transportation processes.

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ARRA	American Recovery and Reinvestment Act
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CMAQ	Congestion Mitigation and Air Quality
CMIA	Corridor Mobility Improvement Account
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CPUC	California Public Utilities Commission
CSAC	California State Association of Counties
CTA	California Transit Association
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DBE	Disadvantaged Business Enterprise
DEMO	Federal Demonstration Funds
DOT	Department of Transportation
EA	Environmental Assessment
E&D	Elderly and Disabled
E&H	Elderly and Handicapped
EIR	Environmental Impact Report (California)
EIS	Environmental Impact Statement (Federal)
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICTC	Interstate Clean Transportation Corridor
IEEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds

MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
NAT	Needles Area Transit
NEPA	National Environmental Policy Act
OA	Obligation Authority
OCTA	Orange County Transportation Authority
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PNRS	Projects of National and Regional Significance
PPM	Planning, Programming and Monitoring Funds
PSE	Plans, Specifications and Estimates
PSR	Project Study Report
PTA	Public Transportation Account
PTC	Positive Train Control
PTMISEA	Public Transportation Modernization, Improvement and Service Enhancement Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
RSTIS	Regionally Significant Transportation Investment Study
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SAFETEA-LU	Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
SRTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCIF	Trade Corridor Improvement Fund
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 st Century
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TSM	Transportation Systems Management
TSSDRA	Transit System Safety, Security and Disaster Response Account
USFWS	United States Fish and Wildlife Service
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments

San Bernardino Associated Governments



MISSION STATEMENT

To enhance the quality of life for all residents, San Bernardino Associated Governments (SANBAG) will:

- Improve cooperative regional planning
- Develop an accessible, efficient, multi-modal transportation system
- Strengthen economic development efforts
- Exert leadership in creative problem solving

To successfully accomplish this mission, SANBAG will foster enhanced relationships among all of its stakeholders while adding to the value of local governments.

Approved June 2, 1993
Reaffirmed March 6, 1996